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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,511	07/16/2003	Maik Moebus	0412-101P	3494

22831 7590 12/19/2005

SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE - 19th FLOOR
NEW YORK, NY 10017

EXAMINER

BERGERON, ROLAND C

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Bh

Office Action Summary	Application No.	Applicant(s)	
	09/890,511	MOEBUS, MAIK	
	Examiner	Art Unit	
	Roland Bergeron	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1 through 18 have been examined.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on February 18, 2000. It is noted, however, that applicant has not filed a certified copy of the PCT/EP00/01359 application as required by 35 U.S.C. 119(b).

Claim Objections

4. Claims 4-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend on other multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. Claim 1 objected to because of the following informalities: Claim 1 has a period (.) on the end of line 14. Each claim needs to begin with a capital letter

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and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations (Ref. 608.01(j); See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,006,486 to Moriau et al.

With regard to claims 1-3, Moriau et al. shows in figures 22-25 and discloses in the specification (columns 12, lines 40-67, column 13, lines 1-50), a panel (one side of panel 1) with as a connecting means 9, 10, 33, 36 having laterally a groove 10 formed by two flanks 42, 43 to permit a positive connection with a another panel (opposite side of another panel 1). One of the two rigid flanks 43 is longer than the other 42. The longer flank 43 comprises a recess 36. The other panel (opposite side of another panel 1) comprising a laterally positioned tongue 9 where the tongue 9 has on an under- or topside and a lug 33. The lug 33 and the recess 36 are so arranged that the lug 33 can be engaged with the recess 36. The side of the tongue 9 has the lug 33 comprises of a recess 36 in particular in the form of a slope 77 so that two panels 1 can be

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in a joined state (figure 23), there remains, as a result of the recess formed in particular by the slope 77, an interval between the side of the tongue 9 comprising the lug 33 and the longer flank 43, so that the open end of the tongue does not touch the flank 43 (@ 81) when two panels 1 are joined. The lug 33 reaches to the recess 36 in the engaged state or the raised area 34 at the open end of the flank 43 extending to the end of the recess 75, which is formed by the lug 33 on the underside of the associated panel. The side of the tongue 9, which comprises the lug 33 as the result of the provision of a recess does not touch the flank 43 (@ 81) in the interior of the groove 10 when the panels 1 are joined, so that an interval 81 remains.

With regard to claim 18, Moriau et al. discloses in the specification (column 12, 64-67) and shows in figures 24-25 where by two panels 1 connected to one another (by a tongue and groove joint) can be displaced (disassembled) along the connecting joint 9, 10, 33, 36 until said both panels are loosen apart.

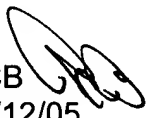
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Bergeron whose telephone number is (571) 272-2943. The examiner can normally be reached on 7:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RCB
12/12/05



Carl D. Friedman
Supervisory Patent Examiner
Group 3600